

Serial No. 09/319,741

REMARKS

Claim 36 has been amended better to point out that which applicants regard as their invention. More particularly, claim 36 now specifies that (1) the recessed portion is provided on a round inclined wall extending from the upper wall to the side wall and (2) the horizontal strip is located within the outside shape of the container body so that the horizontal strip is on a plane below the upper wall. Support for these changes is found in Figs. 9 and 10 and the related description in the specification at page 10, line 19 to page 11, line 8.

The rejection of claims 4, 6, 8, 9, 11 to 13, 15 to 32, and 34 to 36 under 35 USC 103 as unpatentable over Ishikawa et al. '912 in view of newly cited JP '940 and the remaining 103 rejections based upon Ishikawa et al. '912 and JP '940 in conjunction with various additional references, if applied to the claims as amended, are respectfully traversed.

The Examiner stated that JP '940 was cited to show that it was known in the art to provide a container with an open lower end that is wider than at the container upper wall to be able to store wider contents within the container. Although this was one change made to claim 36 in the Amendment Under 37 CFR 1.111 filed April 30,

Serial No. 09/319,741

2002, the paper at pages 5 and 6 pointed out additional differences between what was taught in Ishikawa et al. '912 and what was claimed herein. Those differences are still applicable and the Examiner is referred to that earlier paper where those differences are discussed.

Applicants respectfully point out that claim 36 now calls for (1) the container side wall to be integral with and extending in a diverging manner from the upper wall to define an open lower end that is wider than the upper wall, (2) the recessed portion is provided on a round inclined wall extending from the upper wall to the side wall, and (3) the lid operating device has a horizontal strip to be depressed and cooperating with the latching part, the horizontal strip being located within the outside shape of the container body so that the horizontal strip is on a plane below the upper wall.

As a result of side wall feature (1), the container body can be placed in a stable manner with the open lower end facing, for example, the upper surface of a desk. Moreover, when the horizontal strip is depressed from the upside to release the latching part from the locking part, the hinged lid can be easily released in a one-touch manner with only one hand because the

Serial No. 09/319,741

container body is placed on the desk in a stable manner. One, therefore, is not required to hold the container body with one hand while depressing the horizontal strip with the other hand and, as indicated previously, because the open lower end of the container body is wider than the upper wall, the contents can be easily put into and taken out of the container body through the open lower end.

As a result of the recessed portion feature (2), the recessed portion can be easily and compactly formed.

As a result of the horizontal strip feature (3), the horizontal strip does not project from the outside to the container body, and therefore even when the horizontal strip is depressed from the upside, the depressing force is applied within the container body, meaning that the container body will not move or tilt. Lastly, because the horizontal strip does not project from the outside of the container body, when the container is wrapped with a wrapping film, the horizontal strip will not push the wrapping film out. Accordingly, the container can be compactly wrapped. The references in combination do not teach or suggest such features.

Serial No. 09/319,741

For example, Ishikawa et al. '912 shows a recess 21C and a depressor member 52B provided on recess 21C (see Fig. 11B), but the Ishikawa et al. '912 recess is not provided on a round inclined wall extending from the upper wall to the side wall. Moreover, the horizontal portion A (see the attached drawings) of the depressor member 52B of Ishikawa et al. '912 is on a plane above the upper wall S and therefore the horizontal portion A of Ishikawa et al. '912 protrudes from the outside shape of the container body. In contrast the horizontal strip of the instantly claimed container is located within the outside shape of the container body so that the horizontal strip is on a plane below the upper wall.

In view of the foregoing revisions and remarks, it is respectfully submitted that the claims patentably define over the references of record and the rejection should be withdrawn.

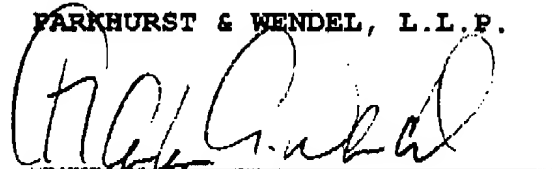
The Examiner is informed that there was timely filed an Information Disclosure Statement on July 26, 2002 and she is asked to consider that paper with the present reply.

Serial No. 09/319,741

Favorable treatment of the application is earnestly solicited.

Respectfully submitted,

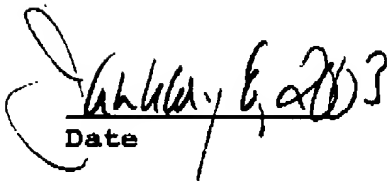
PARKHURST & WENDEL, L.L.P.



Charles A. Wendel

Registration No. 24,453

Date



CAW/ch

Enclosure:

Marked-up copy of Ishikawa et al.

'912 Fig. 11

Attorney Docket No.: DAIN:513

PARKHURST & WENDEL, L.L.P.  
1421 Prince Street, Suite 210  
Alexandria, Virginia 22314-2805  
Telephone: (703) 739-0220

Serial No. 09/319,741

Atty. Docket No. DAIN:513

Version with Markings to Show Changes Made

26

of the corresponding second flap is expanded toward the inside.

31. The container with a hinged lid according to claim 25, wherein outer edges of the opening facing the outer side edges of the first flaps and the outer side edges of the second flaps have a shape corresponding to those of the outer side edges of the first flaps and the outer side edges of the second flaps.

32. The container with a hinged lid according to claim 1, wherein the side wall of the container body is provided on its outer surface with a shoulder projecting downward.

33. The container with a hinged lid according to claim 1, wherein the bottom wall has a resin body formed by injection molding, and a label incorporated into the resin body, and is formed by insert molding.

34. the container with a hinged lid according to claim 1, wherein a central part of the bottom wall is raised

35. The container with a hinged lid according to claim 1, wherein a peripheral part of the bottom wall extends outward from the lower edge of the side wall of the container body.

36. (Thrice Amended) A container with a hinged lid comprising:  
a container body having (1) an upper wall with an opening defined therein, (2) a recessed portion along an edge of the opening of the upper wall on a side of a free edge of a hinged lid defined herein, the recessed portion forming a plane below the upper wall, and (3) a side wall integral with and extending in a diverging manner from the upper wall to define an open lower end that is wider than the upper wall;

Serial No. 09/319,741

Atty. Docket No. DAIN:513

Version with Markings to Show Changes Made

27

a bottom wall covering the open lower end of the side wall;

a hinged lid pivotally attached to the container body in the vicinity of the opening, the hinged lid obstructing at least one edge of the opening of the upper wall, the hinged lid positionable to cover the opening of the upper wall;

an elastic biasing means between the hinged lid and the container body, whereby the biasing means urges the hinged lid away from the opening of the upper wall into an open position;

locking means on a free edge of the hinged lid; and

a lid operating device provided in the recessed portion, having a latching part facing the interior of the container body, the latching part for engaging the locking means, whereby the latching part releases the locking means when the lid operating device is operated in the recessed portion, thereby moving the latching part away from the locking means, and releasing the hinged lid wherein

Version with Markings to Show Changes Made

28

(a) the recessed portion ~~extends~~ is provided on a round inclined wall extending from the upper wall to the side wall,

(b) the lid operating device has a horizontal strip to be depressed, and cooperating with the latching part, and

5 (c) the horizontal strip is located within the outside shape of the container body so that the horizontal strip is on a plane below the upper wall.

10